13110

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER

(SECTION 11.121, 11.042, 11.085 **OR** 11.143, TEXAS WATER CODE)
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299
Water Supply Division, Water Rights Permitting MC-160
P.O. Box 13087
Austin, Texas 78711-3087
Telephone (512) 239-4691, FAX (512) 239-4770
(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

1. Applicant Information.

A. Applicant Name(s): Decordova Bend Estates Owners Association Inc.

Mailing Address: 5301 Country Club Drive
Granbury, Texas 76049

Telephone Number: (817) 326-2381 Fax Number: (817) 326-5783

Email Address: gm@dcbeweb.com

B. Customer Reference Number (if issued): CN604050427

Note: If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

☐ Yes ☑ No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

None

2. Dam (structure), Reservoir and Watercourse Data.

A. Type of Storage Reservoir (indicate by checking (√) all applicable)

☑ on-channel ☐ off-channel ☐ existing structure ☐ proposed structure* ☐ exempt structure**

*Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

**TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: Structure was originally constructed in 1969 and recently updated in July 2013

RECEIVED
TCEQ
WATER SUPPLY DIV.

B. Location of Structure No. 1

1) Watercourse: McCarthy Branch

2) Location from County Seat: 6.3 miles in a SE direction from Granbury, Hood County, Texas.

Location from nearby town (if other than County Seat): N/A miles in a N/A direction from N/A, a nearby town shown on county highway map.

3) Zip Code: 76049

4) The dam will be/is located in the J.W. Haynes Original Survey No. N/A, Abstract No. 848 in Hood County, Texas.

5) Station 1 on the centerline of the dam is S 18 ° 00' W (bearing), 1415 feet (distance) from the NE corner of J.W. Haynes Original Survey No. N/A, Abstract No. 848, in Hood County, Texas, also being at Latitude 32.432978 °N, Longitude 97.695453 °W.

Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.

Used satellite map to locate coordinates of existing diversion point

C. Reservoir:

1) Acre-feet of water impounded by structure at normal maximum operating level: 1.1 ac-ft

2) Surface area in acres of reservoir at normal maximum operating level: 1.11 acres

D. Drainage Area

The drainage area above the dam is 150 acres or 0.234 square miles.

E. Other

1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation Service (SCS)) floodwater-retarding structure, provide the Site No. N/A and watershed project name N/A.

2) Do you request authorization to close the "ports" or "windows" in the service spillway?

☐ Yes ☐ No

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected uses and accounting for evaporative losses for off-channel storage, if applicable).

A. Appropriated water will be used as follows:

	Purpose*	Place of Use	Acre-feet per year
1)	Landscape Irrigation	Decordova Bend Estates	100
2)			
3)			

*If agricultural use, list crops(s) to be irrigated:

Turf Grass

B. Lands to be irrigated (if applicable):

1) Applicant proposes to irrigate a total of 120 acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of 855 acres in Hood County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.

2) Location of land to be irrigated: In the J.W. Haynes Original Survey No. N/A, Abstract No. 848.

C. Diversion Point No. 1.

1) Watercourse: McCarthy Branch.

2) Location of point of diversion at Latitude 32.432978 °N, Longitude 97.695453 °W, **Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location..**

also bearing S 18 ° 00' W, 1415 feet (distance) from the NE corner of the J.W. Haynes Original Survey No. N/A, Abstract No. 848, in Hood County, Texas.

3) Location from County Seat: 6.3 miles in a South-East direction from Granbury, Hood County, Texas.
Location from nearby town (if other than County Seat): N/A miles in a N/A direction from N/A, a nearby town shown on county highway map.

4) Zip Code: 76049

5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Directly from stream	Existing	Proposed
	From an on-channel reservoir		
	From stream to an off-channel reservoir		
	From a stream to an on-channel reservoir	√	
	From an off-channel reservoir		
	Other method (explain fully, use additional sheets if necessary)		

6) Rate of Diversion (Check (√) applicable provision):

___1. Diversion Facility:

A. N/A Maximum gpm (gallons per minute)

B. N/A Number of pumps

C. N/A Type of pump

D. N/A gpm, Pump capacity of each pump

E. Portable pump _____ Yes or √ No.

√ 2. If by gravity:

A. ____ Headgate √ Diversion Dam 120 Maximum gpm

B. ____ Other method (explain fully - use additional sheets if necessary)

_____

_____

7) The drainage area above the diversion point is 150 acres or 0.234 square miles.

D. Return Water or Return Flow **(location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):**

N/A

Water which is diverted but not consumed as a result of the above stated use, will be returned to _____, tributary of _____ _____, tributary of _____, _____ Basin, at a point which is at Latitude _____ _____°□□□N, Longitude _____°W, also, bearing _____° _____ (direction), _____ feet (distance) from the _____ corner of the _____ Original Survey No. _____, Abstract No. _____, in _____ County, Texas.

Zip Code: _____

Estimated **annual** amount of return flow to said stream will be _____acre-feet.

E. Surplus Water **(provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):**

Water which is diverted but not used beneficially will be returned to McCarthy Branch, tributary of the Brazos River, Brazos River Basin at a point which is at Latitude 32.432978 °N, Longitude 97.695453 °W, also bearing S 18 ° 00' W (direction), 1415 feet (distance) from the NE corner of the J.W. Haynes Original Survey No. N/A, Abstract No. 848, in Hood County, Texas.

Zip Code: 76049

4. Discharge Point Information **(if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).**

Discharge Point No. or Name: 1

A. Select the appropriate box for the source of water being discharged:

□ Treated effluent

□ Groundwater

√ Other runoff

B. Location of discharge point will be/is at Latitude 32.431894 °N, Longitude 97.694872 °W, also bearing S 18 ° 00' W, 1415 feet from the NE corner of the J.W. Haynes

Original Survey No. N/A, Abstract No. 848, in Hood County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (*i.e.*, GPS Unit, USGS 7.5 Topographic Map, etc.)

Used satellite map to locate coordinates of existing diversion point

C. Location from County Seat: 6.3 miles in a SE direction from Granbury, Hood County, Texas.

Location from nearby town (if other than County Seat): N/A miles in a N/A direction from N/A, a nearby town shown on county highway map.

D. Zip Code: 76049

E. Water will be discharged into McCarthy Branch stream/reservoir, (tributaries) of the Brazos River, Brazos River Basin.

F. Water will be discharged at a maximum rate of 0.2674 cfs (120 gpm).

G. The amount of water that will be discharged is 100 acre-feet per year.

H. The purpose of use for the water being discharged will be returned to the stream.

I. Additional information required:

For groundwater

1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted.
2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map
3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District.
4) What aquifer the water is being pumped from?

For treated effluent

1) What is the TPDES Permit Number? Provide a copy of the permit.
2) Provide the monthly discharge data for the past 5 years.
3) What % of treated water was groundwater, surface water?
4) If any original water is surface water, provide the base water right number.

5. General Information.

A. The proposed _____ or existing √ works will be (are) located on the land of applicant _____, whose mailing address is 5301 Country Club Drive Granbury, TX 76049

B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within N/A after such permit is issued. The proposed work will be completed within N/A from the date the permit is issued.

C. A Water Conservation Plan is attached? √ Yes _____ No.

D. √ Interbasin transfer is not requested.

N/A Applicant requests authorization to transfer N/A acre-feet of water per year from the

N/A Basin to the N/A Basin of which N/A acre-feet of water will be used for N/A purposes and N/A acre-feet of water will be used for N/A purposes.

E. N/A Bed and Banks request to transfer N/A acre-feet of water per year within the bed and banks of N/A, tributary of N/A, N/A Basin.

F. Is this project located within 200 river miles of the coast? ____ Yes √ No ____ Unknown

5. **Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.**

√ Yes ____ No. Attach additional sheets.

6. NO The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

This application addresses a need for water to sustain a golf course around which an entire community development was constructed. The golf course and development are not sustainable without the appropriation of this water supply. The existing reservoir has been in operation since 1969 and thus should be considered a grandfathered application. The applicant has been under contract with the Brazos River Authority and pays for any volume of water it utilizes.

Applicant Name (Sign)

Applicant Name (Sign)

Leslie R Kachel

Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 25 day of Oct, 2013.

THERESA TAYLOR
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Expires 07-29-2016

Notary Public for the State of Texas

Supplemental Environmental Information Sheet

Water right projects have the potential to alter environmental conditions in the state's rivers and streams through flow modification, sediment load alteration, loss of wetlands, and removal of riparian vegetation. The Resource Protection Team assess the effects issuance or amendment of a water right may have on existing instream uses. Instream uses include, but are not limited to, water quality, fish and wildlife habitat, recreation, and freshwater inflows to bays and estuaries.

The following items are suggested guidelines for data to be submitted depending on the nature of the particular application. Please note that *not* all the information identified below is required for the water right application to be considered administratively complete. However, depending on the magnitude and scope of the proposed project, failure to provide requested information for technical review may result in delayed processing times or a recommendation of denial of the application.

ITEMS TO BE PROVIDED FOR ALL APPLICATIONS:

1. USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated. **Attached**

2. Photographs of the stream at the project area (i.e., diversion point/dam location) including upstream and downstream views. Photographs should be in color and reflect the existing conditions of the stream and the riparian vegetation. Each photograph should include a description of what is depicted as well as be referenced to the USGS topographic map indicating the location and direction of the shot. **Attached**

3. Brief description of the affected stream or water body at the project location including:

   a) Average and maximum channel width and depth; **Average width is 30 feet, maximum width is 40 feet, average depth is 3 feet, and maximum depth is 4 feet.**
   b) Flow characteristics of the stream (i.e., is the stream perennial, intermittent with pools, or intermittent?); **Stream is perennial**
   c) Description of land uses upstream within the watershed, if known. **N/A**

4. Any known recreation or other public uses of the affected stream or water body. **NONE**

ADDITIONAL ITEMS TO BE PROVIDED IF AN EXISTING DAM AND RESERVOIR ARE SOUGHT TO BE PERMITTED:

1. Date dam constructed. **1969**

2. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.

   Normal pool elevation is maintained from treated effluent discharged by the Acton Municipal Utility District. The point of effluent discharge is upstream from the reservoir and discharges an average of 240,000 GPM into the McCarthy Branch.

3. Does the dam have an operational low flow outlet or other means to pass state water? **NO**

MINIMAL ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED: N/A

1. In addition to indicating the location of the project location on the USGS topographic map, please identify the area of lake inundation at normal pool level.

2. Provide a brief description of the area to be affected by the proposed dam and reservoir.

3. The local U.S. Army Corps of Engineers (USACE) district should be notified of the proposed project. If the USACE determines that a 404 permit is required, provide the project number and name of the USACE Project Manager.

4. Will the reservoir be maintained at normal pool elevation with an alternate source of water? If so, identify the source of water. If groundwater will be used, see below.

5. Will the dam have a low flow outlet or other means to pass state water?

POSSIBLE ADDITIONAL ITEMS TO BE PROVIDED IF A DAM AND RESERVOIR ARE PROPOSED TO BE CONSTRUCTED: N/A

1. A quantitative or qualitative evaluation of existing aquatic, riparian, wetland, and terrestrial habitats that will be subject to impact by the proposed reservoir project, preferably performed by a qualified third party. Acceptable evaluation procedures to be used may include, but are not limited to, USFWS's Habitat Evaluation Procedures or TPWD's Wildlife Habitat Appraisal Procedure. Any habitat evaluation should include an assessment of the effects of the project on habitats in the river segment downstream.

2. Description of the alternatives that were examined to meet the water needs that the proposed project is intended to fulfill. Were other site locations examined that may result in less environmental impact? How was the size of the proposed reservoir determined? Would a smaller reservoir be adequate to meet the projected water needs? Habitat mitigation shall be considered only after the complete sequencing (avoidance, minimization or modification, and compensation/replacement) process has been performed.

3. Should habitat losses be found to be unavoidable, a mitigation plan should be developed that will compensate for lost or altered ecosystem functions and values imposed by the proposed project. This plan should address both the direct and indirect impacts to aquatic, riparian, and terrestrial habitats, as well as short- and long-term effects that may result from the proposed project. Habitat mitigation plans shall be ensured through binding legal contracts or conservation easements and shall include goals and schedules for completion of those goals. Mitigation areas shall be managed in perpetuity by a party approved by the Commission to maintain the habitat functions and values that will be affected by the proposed project.

ADDITIONAL ITEMS TO BE PROVIDED IF GROUNDWATER WILL BE USED: N/A

Information regarding the groundwater wells to be used in this project and groundwater quality data from each well to be used. Well information should include the following:

a) Depth of well;
b) Name of aquifer from which water is withdrawn;
c) Pumping capacity of well.

Water chemistry information should include but not be limited to the following parameters:

a) Chlorides;
b) Sulfates;
c) Total Dissolved Solids (TDS);
d) pH;
e) Temperature.

If data for on-site wells are unavailable, historical data collected from similar sized wells drawing water from the same aquifer may be provided. However, please note that on-site data may still be required when it becomes available.

Alternatives Analysis Worksheet for Wetland Impacts

N/A

1. Alternatives
    1. How could you satisfy your needs in ways which do not affect wetlands?
    2. How could the project be re-designed to fit the site without affecting wetlands?
    3. How could the project be made smaller and still meet your needs?
    4. What other sites were considered?
        1. What geographic area was searched for alternative sites?
        2. How did you determine whether other non-wetland sites are available for development in the area?
    5. What are the consequences of not building the project?

2. Comparison of alternatives
    1. How do the costs for the alternatives considered above?
    2. Are there logistic (location, access, transportation, etc.) factors that limit the alternatives considered?
    3. Are there technological limitations for the alternatives considered?
    4. Are there other reasons certain alternatives are not feasible?

3. If you have not chosen an alternative which would avoid wetland impacts, explain:
    1. Why your alternative was not selected?
    2. What you plan to do to minimize adverse effects on the wetlands impacted?

4. Please provide a comparison of each criterion (from Part II) for each site evaluation in the alternatives analysis.

PERMIT APPLICATION COMPLETION CHECKLIST FOR
HYDROLOGY, WATER CONSERVATION, AND DAM SAFETY

Name(s) of Applicant: **Decordova Bend Estates**

Stream, Basin, and County: **McCarthy Branch tributary, Brazos River Basin, Hood county**

USGS 7.5 minute topographic map with all diversion points, discharge points, reservoirs, and/or land to be irrigated clearly indicated: **Attached**

Latitude and Longitude of all diversion points and/or reservoirs, including how the coordinates were determined: **Attached**

Diversion amount: **100 acre-feet per year**
Diversion rate: **120 gallons per minute**

Monthly Diversion Distribution (the amount of the total water that you plan to divert each month):

J	F	M	A	M	J	J	A	S	O	N	D
5	**5**	**5**	**5**	**10**	**15**	**15**	**15**	**10**	**5**	**5**	**5**

Reservoir capacity and surface area: **1.1 ac-ft capacity and 1.11 acre surface area**

Drainage area: **150 acres or 0.234 square miles**

Request to use the bed and banks of a watercourse and/or reservoir: **No**

Other (copy of contract for water, alternate source of water, accounting plan, etc.)

WATER CONSERVATION PLAN

1. Plan and appropriate data form **Attached**

2. Please specify the quantitative goals as outlined on the data form

DAM SAFETY

If a reservoir is requested in the application, the following information should be submitted:

N/A

1. Surface area and capacity of the reservoir

2. Plans (with engineer's seal) for the reservoir if the dam is over 6 feet high

3. Engineer's signed and sealed hazard classification

4. Statement from engineer that the structure complies with the Chapter 299 Rules and supporting documentation